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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, THU HA T	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,689	NEUFELD ET AL.	
	Examiner	Art Unit	
	Thu Ha T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *04/118/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims **1-20** are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Todd et al.** (hereinafter Todd) U.S. Patent No. **5,867,714**.

4. As to claim 1, **Todd** teaches the invention as claimed, including a method for emulating sound of a remote computer system, the method comprising the acts of:

detecting audio settings of the remote computer system (abstract, col. 12, lines 5-57 [*remote data source 130* (i.e., remote computer system (col. 11, lines 65-col. 12, lines 1) *detects, diagnoses and analyzes the conflict of configuration data setting (i.e., I/O addresses, ports settings , sound device, sound capability, features, versions, sound card- read as audio setting)*]);

transmitting the audio settings to an interfacing computer system via a network (figure 1, col. 14, lines 14-36 [*remote data source 130 sends software revisions based*

on the identified conflict of configuration data setting to the computer system 110 (i.e., interfacing computer system)]); and

configuring audio circuitry of the interfacing computer system based on the audio settings (col. 6, lines 12-30, col. 14, lines 14-50, col. 15, lines 22-25 [*the processing circuitry 114 (i.e., audio circuitry) of the computer system 110 configures the software revisions*]).

5. As to claim 2, **Todd** teaches the invention as claimed, wherein the act of detecting audio settings of the remote computer system comprises the act of detecting settings of audio input/output registers (col. 8, lines 17-44 [*detecting setting of audio I/O addresses that includes in the list of configuration data setting*]).

6. As to claim 3, **Todd** teaches the invention as claimed, wherein the act of detecting audio settings of the remote computer system comprises the act of detecting settings of sound synthesis registers (col. 8, lines 38-45 [*detecting FM synthesis that includes in the list of configuration data setting*]).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 9-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Kimura et al.** (hereinafter Kimura) U.S. Pub. No. **2002/0143975**.

9. As to claim 9, **Kimura** teaches the invention as claimed, including a method for interacting with a remote computer system, comprising the acts of:

detecting audio data generated at a remote computer system in response to a system event (paragraphs 0044-0046 [*receiving video and speech/audio (i.e., audio command) at the distribution server 101 (i.e., remote computer system*]);

processing and converting the audio data into standard audio data at the remote computer system (abstract, paragraphs 0045-0046, 0106-0108);

transmitting the standard audio data to an interfacing computer system via a network (paragraphs 0059, 0063 [*distribution server 101 transmits video and speech/audio (i.e., audio command) to receiving terminal (i.e., the interfacing computer system*]); and

interpreting and playing the standard audio data at the interfacing computer system for interaction with the system event (figures 15-16, paragraphs 0001, 0060, 0079-0082 [*receiving terminal processes video and speech/audio via speech segment memory and speech synthesis (i.e., audio circuitry) based on the text information 4,*

frame data set 153 and speech segment data set 156 of the distribution server 101]).

10. As to claim 10, **Kimura** teaches the invention as claimed, comprising the acts of: detecting video data generated at the remote computer system (paragraphs 0044-0046 [*receiving video and speech/audio at the distribution server 101 (i.e., remote computer system*); transmitting the video data to the interfacing computer system via the network (paragraphs 0059, 0063 [*distribution server 101 transmits video and speech/audio (i.e., audio command) to receiving terminal (i.e., the interfacing computer system*]); and displaying the video data at the interfacing computer system (figures 15-16, paragraphs 0001, 0060, 0079-0082).

11. As to claim 11, **Kimura** teaches the invention as claimed, wherein the act of detecting audio data comprises the act of capturing audio data directed to audio circuitry of the remote computer system (figures 1, 12, paragraphs 0044-0046).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 4-6 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Todd et al.** (hereinafter Todd) U.S. Patent No. **5,867,714**, in view of **France et al.** (hereinafter France) US. Patent No. **5,734,119**.

14. As to claim 4, **Todd** teaches detecting audio setting (abstract, col. 12, lines 5-57). However, **Todd** does not explicitly teach detecting sound table.

France teaches sound tables (figure 1, col. 9, lines 19-col. 10, lines 8, col. 11, lines 1-15). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Todd and France** to include detecting a sound table because it would provide a high fidelity audio transmission thus allow audio data to be reproduced exactly as originally by using wavetable data.

15. As to claim 5, **Todd** does not explicitly teach the invention as claimed; however, **France** teaches the acts of copying audio settings corresponding to sound synthesizer registers and sound tables (abstract, figure 1, col. 5, lines 62-col. 6, lines 13, col. 7, line 10-24, col. 9, lines 19-43). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Todd and France** to include the feature of copying audio settings corresponding to sound synthesizer registers and sound tables because it would provide a high fidelity audio transmission thus allow audio data to be reproduced

exactly as originally by using wavetable data.

16. As to claim 6, **Todd** does not explicitly teach the invention as claimed; however, **France** teaches wherein the act of configuring audio circuitry comprises the acts of: programming registers of the audio circuitry to at least partially match register settings of the remote computer system; and storing sound tables of the remote computer system at the interfacing computer system (abstract, figure 1, col. 9, lines 19-col. 11, lines 15). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Todd and France** to partially match register settings of the remote computer system; and storing sound tables of the remote computer system at the interfacing computer system because it would provide a high fidelity audio transmission thus allow audio data to be reproduced exactly as originally by using wavetable data.

17. Claims 7-8 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Todd et al.** (hereinafter Todd) U.S. Patent No. **5,867,714**, in view of **Kimura et al.** (hereinafter Kimura) U.S. Pub. No. **2002/0143975**.

18. As to claim 7, **Todd** does not explicitly teach capturing and transmitting an audio command to the interfacing computer system as claimed.

However, **Kimura**, in the related field, teaches capturing an audio command generated at the remote computer system (paragraphs 0044-0046 [*receiving video and*

speech/audio (i.e., audio command) at the distribution server 101 (i.e., remote computer system]); transmitting the audio command to the interfacing computer system (paragraphs 0059, 0063 [*distribution server 101 transmits video and speech/audio (i.e., audio command) to receiving terminal (i.e., the interfacing computer system*]); and processing the audio command via the audio circuitry based on the audio settings of the remote computer system (figures 15-16, paragraphs 0079-0082 [*receiving terminal processes video and speech/audio via speech segment memory and speech synthesis (i.e., audio circuitry) based on the text information 4, frame data set 153 and speech segment data set 156 of the distribution server 101*]). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to incorporate the feature of capturing and transmitting an audio command to a receiving computer, disclosed by **Kimura**, into a distributing configuration software revisions (including update audio setting data) as disclosed by **Todd** because it would provide an efficient communication system which receives and transmits information containing video and speech/audio information between server and receiving computer (see Kimura paragraph 0001).

19. As to claim 8, **Todd** does not specifically teach the invention as claimed, comprising the act of playing the audio data at the interfacing computer system for a remote event occurring on the remote computer system.

However, **Kimura** teaches the receiving terminal displays and decodes text information, the video signal and the speech signal when receives video and

speech/audio information from distribution server (paragraphs 0045-0046). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to incorporate the feature of playing audio data on a receiving computer, disclosed by **Kimura**, into a distributing configuration software revisions (including update audio setting data) as disclosed by **Todd** because it would provide an efficient communication system which is capable of transmitting, receiving and displaying information containing video and speech/audio information between server and receiving computer (see Kimura paragraphs 0001, 0060).

20. Claims 12-13 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Kimura et al.** (hereinafter Kimura) U.S. Pub. No. **2002/0143975**, in view of **Buczek et al.** (hereinafter Buczek) U.S. Pub. No. **2002/0178295**.

21. As to claim 12, **Kimura** does not explicitly teach the invention as claimed; however, **Buczek** teaches the acts of remotely managing the remote computer system via the interfacing computer system (paragraphs 0028-0033). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Kimura and Buczek** to include the feature of remotely managing the remote computer system via the interfacing computer system because it would provide an efficient communication system for managing and operating distributed devices via the Internet.

22. As to claim 13, **Kimura** does not explicitly teach the invention as claimed; however, **Buczek** teaches wherein the act of remotely managing the remote computer system comprises the act of interacting with a network management module disposed on the remote computer system (figure 3, paragraphs 0026-0028). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Kimura and Buczek** to include a network management module because it would provide an efficient communication system for managing and operating distributed devices via the Internet.

23. Claims 14-16, 18 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Todd et al.** (hereinafter Todd) U.S. Patent No. **5,867,714**, in view of **Kobata** U.S. Patent No. **6,321,348**.

24. As to claim 14, **Todd** teaches the invention as claimed, including a system for interacting with a remote computer system, comprising:

an audio configuration analysis module adapted to identify and copy audio settings of the remote computer system (abstract, col. 12, lines 5-57 [*remote data source 130* (i.e., remote computer system (col. 11, lines 65-col. 12, lines 1) *detects, diagnoses and analyzes the conflict of configuration data setting (i.e., I/O addresses, ports settings , sound device, sound capability, features, versions, sound card- read as audio setting)*]);

an audio configuration setup module adapted to configure audio circuitry of an interfacing computer system based on the audio settings (col. 6, lines 12-30, col. 14, lines 14-50, col. 15, lines 22-25 [*the processing circuitry 114 (i.e., audio circuitry) of the computer system 110 configures the software revisions*]).

However, **Todd** does not explicitly teach a remote management module adapted to provide real-time interaction between the remote computer system and the interfacing computer system.

Kobata teaches teach a remote management module adapted to provide real-time interaction between the remote computer system and the interfacing computer system (figure 1, col. 3, lines 23-col. 4, lines 54). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Todd and Kobata** to include a network management module adapted to provide real-time interaction between remote computer system and the interfacing computer system because it would provide an efficient communication system for managing, monitoring and provisioning appropriate software or consulting services based on the user's infrastructure data monitoring.

25. As to claim 15, **Todd** teaches the invention as claimed, wherein the audio settings comprise register settings of audio registers for the remote computer system (col. 8, lines 17-44).

26. As to claim 16, **Todd** teaches the invention as claimed, wherein the audio settings comprise sound card access addresses for the remote computer system (col. 8, lines 17-44).

27. As to claim 18, **Todd and Kobata** does not explicitly teach the invention as claimed; however, Compaq remote system management for Industry-Standard Servers teaches wherein the remote computer system comprises a lights out management module for managing network resources (abstract, page 3, Compaq insight manager 7, page 12, Light-out configuration utility). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of Todd, Kobata and Compaq remote system management for Industry-Standard Servers to include a lights out management module for managing network resources because it would have an efficient management system that can detect, collect historical performance, configuration, fault data or network event.

28. As to claim 20, **Todd** does not explicitly teach the invention as claimed; however, **Kobata** teaches wherein the audio configuration analysis module and the audio configuration setup module are adapted to emulate interaction between the remote computer system and audio circuitry of the remote computer system (abstract, figure 1, col. 3, lines 23-col. 4, lines 54). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Todd and Kobata** to include audio configuration analysis module and the

audio configuration setup module are adapted to emulate interaction between the remote computer system and audio circuitry of the remote computer system because it would provide an efficient communication system for managing, monitoring and provisioning appropriate software or consulting services based on the user's infrastructure data monitoring.

29. Claims 17 and 19 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Todd et al.** (hereinafter Todd) U.S. Patent No. **5,867,714**, **Kobata** U.S. Patent No. **6,321,348**, further in view of **France et al.** (hereinafter France) US. Patent No. **5,734,119.**

30. As to claim 17, **Todd and Kobata** does not explicitly teach the invention as claimed; however, **France** teaches wherein the audio settings comprise sound tables for sound synthesis at the remote computer system (abstract, figure 1, col. 5, lines 62-col. 6, lines 13, col. 7, line 10-24, col. 9, lines 19-43). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Todd and France** to include audio settings comprise sound tables for sound synthesis at the remote computer system because it would provide a high fidelity audio transmission thus allow audio data to be reproduced exactly as originally by using wavetable data.

31. As to claim 19, **Todd and Kobata** do not explicitly teach the invention as claimed; however, **France** teaches wherein the remote computer system and the interfacing computer system both comprise sound synthesis registers and sound tables (abstract, figure 1, col. 9, lines 19-col. 11, lines 15). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teaching of **Todd, Kobata and France** to comprise both sound synthesis registers and sound tables because it would provide a high fidelity audio transmission thus allow audio data to be reproduced exactly as originally by using wavetable data.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

33. Kuramochi et al. (USPub. No. 2002/0143978, Barfurth et al. (USPub. No. 2003/0200286), Kim et al. (USPN 6,868,444), Kalra et al. (USPN 6,490,627), Powderly (6,732,067), Dodrill et al. (USPN 6,643,621), Kim et al. (USPub. No. 2002/0069272), Housel, III et al. (USPN 6,185,617), Sandahl et al. (USPN 6,098,098), Nakayama et al. (USPub. No. 2003/0061370), Fado et al. (USPub. No. 2002/0180775), Fay et al. (USPub. No. 2002/0133248), Wood et al. (USPN 5,974,478), and Berman et al. (USPN 6,502,194) are recited for disclosing various information related to the claimed invention. Applicants are requested to consider these prior art references when responding to this office action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (571) 272-3978.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Bharat Barot.

BHARAT BAROT
PRIMARY EXAMINER

Thu Ha Nguyen

March 24, 2005